



## CITY OF ATLANTA

KASIM REED  
MAYOR


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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TIM KEANE  
Commissioner

CHARLETTA JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-15-029 for 0, 1172, 1162, 1168 Arden Avenue, S.W., 0, 1148, 1160 Campbellton Road, S.W., #REAR, 0, 1341, 1351, 1355, 1361, 1371, 1401, 1447 Lee Street, S.W., 0 Lee Street Place, S.W., 1176 Lee Place, S.W., 0, 1442 Oakland Drive, S.W., and 0, 1171, 1193 Van Buren Street, S.W.

**DATE:** September 15, 2015

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An Ordinance by Councilmembers Cleta Winslow, Keisha Lance Bottoms, and Joyce M. Sheperd to rezone from the C-2 (Commercial Service) District and the R-5 (Two-Family Residential) District to the MRC-3 (Mixed Residential Commercial-Sector 3) District to allow for a Transit Oriented Development (TOD) at Oakland City MARTA Station.

### FINDINGS OF FACT:

- **Property location:** The subject properties front approximately 1,000 feet on the west side of Lee Street, beginning at the southwest corner of the intersection of Lee Street and Campbellton Road. The properties also front approximately 300 feet on the north side of Van Buren Street, approximately 900 feet on the east side of Oakland Drive, and approximately 600 feet on the south side of Campbellton Road. They are located within Land Lot 120 of the 14<sup>th</sup> District of Fulton County, Georgia in the Oakland City Neighborhood of NPU-S in Council District 4. The properties are located within the Oakland City/Lakewood Livable Center Initiative (LCI).
- **Property size and physical features:** The subject properties of approximately 10.76 acres are currently developed as the bus station and a surface parking lot for the Oakland City MARTA Station. The topography drops along the Lee Street right-of-way in a westerly direction approximately 20 feet. In the remaining of the land, the topography gradually decreases from the south to the north approximately 25 feet. There are a number of mature trees which screen the site from most of Lee Street. There are also mature trees throughout the property. The site is surrounded by a chain link fence that is approximately 6 feet in height.

- **CDP land use map designation:** The Land Use Map for NPU-S designates the subject properties as Mixed-Use.
- **Current/past use of property:** The properties have been used commercially to support the parking demands and bus services of the adjacent Oakland City MARTA station. Prior to the MARTA Station, properties were occupied by commercial and residential uses.
- **Surrounding zoning/land uses:** The subject properties are adjacent to properties occupied by a mixture of uses that includes commercial, residential, industrial, and the MARTA Oakland City Station. Properties to the north are zoned C-2 (Commercial Service) District, R-LC (Residential-Limited Commercial) District, and R-5 (Two-Family Residential) District with a land use designation of Mixed-Use; to the west, properties are zoned R-5 (Two-Family Residential) District with a land use designation of Low Density Residential; to the south, properties are zoned R-5 (Two-Family Residential) District and C-2-C (Commercial Service Conditional) District with a land use designation of Low Density Residential and Low Density Commercial; and to the east, properties are zoned I-1 (Light Industrial) District with a land use designation of Industrial and Mixed-Use.
- **Transportation:** The subject properties are adjacent to the MARTA Oakland City Station which provides transportation to the immediate area and throughout the city. Lee Street and Campbellton Road are defined arterial streets with narrow sidewalks. Van Buren Street and Oakland Drive are defined as local streets. The subject site houses the MARTA Oakland City Bus Station with bus lines #54, #83, #162, #172, and #193

## **PROPOSAL:**

The subject properties have been addressed in several plans and studies that recommended the redevelopment of the western parking lot and bus station of the MARTA Oakland City Station. Each plan contemplated rezoning the subject properties to a zoning category that promotes a mixed use development and the maintenance of MARTA bus operations.

**2004 Oakland City/Lakewood Livable Center Initiative** – contemplated the rezoning of the site to allow for apartments, condos, retail, office, and a bus loop with a new transit plaza and shared parking deck with dedicated parking for MARTA patrons.

**2005 Neighborhood Planning Unit S (NPU S) 2005-2020 15-year Comprehensive Plan** – called for the redevelopment of the site with a mixture of uses including higher density housing and retail/office space.

**2008 Connect Atlanta Plan** – set vision and framework for major transportation improvements. It recommended new streets around the Oakland City Station and core bicycle connections on Campbellton Road and Lee Street.

**2010 Atlanta Beltline Master Plan: Subarea 1** – defined the area as a redevelopment node recommending the site to be rezoned to MRC-3 to allow multifamily residential as transition to single-family homes, trail connectivity between the BeltLine and Fort McPherson, and improvement of sidewalks to increase access to the MARTA station.

**2011 City of Atlanta Comprehensive Development Plan** – designated the station as a Transit Oriented Development Character Area (TOD) encouraging different transit-supportive housing types, development and preservation of workforce and affordable housing, and redevelopment of excess surface parking around MARTA stations.

**2005 Oakland City Station Engagement Report** – provided a comprehensive overview of all previous studies and plans for the area.

This proposal supports the aforementioned studies and plans which contemplated rezoning the subject properties from the R-5 and C-2 zoning districts to a mixed use zoning designation, which MRC-3 provides. The proposal also provides conditions related to permitted uses, and for consistency in streetscape and other design guidelines.

## **CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed rezoning to MRC-3 (Mixed Residential Commercial-Sector 3) District is compatible with the Comprehensive Development Plan Mixed-Use designation for the property. There are no known public projects or programs with which the timing of the project would conflict.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** Since the area has been an established mixed use (residential and commercial) corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the site.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** This proposal contemplates the rezoning of underutilized MARTA parking to a zoning category that supports the recommendations of several plans/studies as stated in the Oakland City Station Engagement Report. Further, Staff feels the proposed mixed use would be a catalyst to the redevelopment of the area. Therefore, Staff is of the opinion that the request to rezone the subject properties would not create any issues that would negatively affect the balance of land uses in the area.
- 4) **Effect on character of the neighborhood:** The proposed rezoning to MRC-3 for the purpose of redevelopment the site into mixed-use allows for an improved and reasonable transition from industrial uses on the east to the residential uses on the west. The property would be more in-line with proposed developments for the area and it would help in diversifying its character in accordance with the Oakland City/Lakewood Livable Center Initiative which encourages mixed use activity and promotes street oriented development. The recommended zoning would emphasize the creation of a unified built environment that improves the appearance of streets, streetscapes and public facades which businesses,

residents, and property owners desire. Additionally, the construction of a mixed use development on underutilized properties can only improve the surrounding neighborhood.

- 5) **Suitability of proposed land use:** A change in the 15-year land use map is not required. The existing land use of Mixed-Use was adopted as part of the Oakland City/Lakewood Livable Center Initiative.
- 6) **Effect on adjacent property:** The rezoning of the subject properties will not have any immediate effect on adjacent properties. The proposed rezoning, once approved, will provide opportunities to redevelop the properties in accordance with more focused urban planning principles, thus a potential benefit and positive impact to adjacent properties.
- 7) **Economic use of current zoning:** The rezoning of the subject properties has the potential to increase the economic value of the properties because the proposed zoning regulations allow for a mixed use development that will promote a more unified pedestrian and transit oriented built environment. The market value of properties in the district could only increase, whereas surrounding would also increase because of the opportunity for improved aesthetic of convenient and accessible goods and services.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting. Additionally, Staff notes that the proposed regulations include the provision of street trees adjacent to the curb.
- 9) **Other considerations:** This proposed Oakland City Marta Station rezoning is in keeping with the Oakland City/Lakewood Livable Center Initiative, Connect Atlanta Plan, Atlanta Beltline Master Plan: Subarea 1, Neighborhood Planning Unit S (NPU S) 2005-2020 15-year Comprehensive Plan, and The City's Comprehensive Development Plan building upon all those efforts in NPU-S and City of Atlanta to support a cohesive pedestrian friendly urban aesthetic including a mix of uses to serve the needs of the area while providing appropriate transitions from the surrounding residential neighborhoods to the west to the industrial sites to the east. This is achieved here by the use of City adopted zoning regulations as well as a limited number of conditions to provide, as properties are redeveloped, consistent sidewalks, limit auto-centric uses, provide maximum heights, and allow for future right-of-way improvements. This would eventually transform this traffic choked automobile-oriented predominately underutilized area to a revitalized mixed use neighborhood with pedestrian-friendly streetscape serving the public interest.

**STAFF RECOMMENDATION: APPROVAL, conditioned upon the following:**

1. The following primary and accessory uses and structures shall be prohibited:
  - a. Automobile service stations.
  - b. Commercial greenhouses.
  - c. Mortuary and funeral homes.
  - d. New and used car sales, including other motorized vehicles such as mopeds and motorcycles.
  - e. Plumbing, air conditioning service and repair.

- f. Repair garages, paint and body shops.
  - g. Mixed-use storage facility having less than 100,000 square feet of total floor area of storage use.
  - h. Package stores as defined in section 16-29.001(44).
  - i. Drive-through service windows and drive-in facilities.
2. No portion of any structure shall protrude through a height-limiting plane beginning 42 feet in height above the buildable area boundary along Oakland Drive or Van Buren Street and extending inward over this district at an angle of 45 degrees up to a maximum of 62 feet in height. The remainder of the site shall be limited to 62 foot height.
3. Supplemental Zone:
- a. The supplemental zone shall consist of a minimum width of 8 feet along Oakland Drive and Van Buren Street.
  - b. The supplemental zone shall consist of a minimum width of 6 feet along all other existing and new streets.
4. Building Façade Materials and Treatments:
- a. The following materials shall be prohibited on all building facades: exposed pressure-treated wood, vinyl siding, vinyl railing, vinyl windows, and exterior insulation finished systems (EIFS).
  - b. Foundations shall be faced in masonry, stone, or tile. Foundations may be faced in two-coat or three-coat hard stucco if carried from the façade directly above. As used in this condition, foundation means the surface area of the exterior building wall below the lowest finished floor level.

cc: Charletta Wilson Jacks, Director



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TIM KEANE  
COMMISSIONER

CHARLETTA WILSON JACKS  
DIRECTOR, Office of Planning

## MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *fnl*

**SUBJECT:** U-15-09 for 1150 Blue Ridge Avenue, N.E.

**DATE:** September 15, 2015

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The applicant seeks a **Special Use Permit (16-06.005)** of the Zoning Ordinance of the City of Atlanta for Special Use Permit for a day care center.

### FINDINGS OF FACT:

- Property location: This property is located at 1150 Blue Ridge Avenue, N. E., fronting 70 feet on the north side of Blue Ridge Avenue and beginning approximately 164.3 feet from northwest of the intersection of Blue Ridge Avenue and Moreland Avenue. The property is located in Land Lot 16, 14th District, Fulton County, Georgia.
- Property size and physical features: The subject property is located near the intersection of Blue Ridge Avenue and Moreland Avenue. It is approximately 12,782 square feet (.29) acres with topography in the front yard that varies in elevation due to the site being located on a downward slope. There are trees, bushes, and landscaping in the front yard, the rear of the property is mostly impervious surface for on-site parking which is located to the north of the structure. Vehicular access is provided to the rear parking lot from a driveway off of Blue Ridge Avenue.
- CDP land use map designation: Medium-Density Residential (MDR).
- Current/past use of property: The subject property appears to be a multi-family residential dwelling and was used as such.
- Surrounding zoning/land uses: Property is surrounded by RG-4 (Residential General), RG-3(Residential General), C-1 (Community Business) Single Family Residential uses.

- **Transportation system:** Blue Ridge Avenue is a local street. The general area is serviced by MARTA on the Moreland Avenue corridor.

### **PROPOSAL:**

The applicant seeks a special use permit in order to operate an after school program, Arts, Sewing, Blocks and Trains, at the subject property. The program will provide after school services to a maximum of 21 children between the ages of 3-12 from 12 pm- 6 pm Monday through Friday. Three (3) employees will staff the center daily with intermittent visits by the Director. Activities will include the provision of snacks, instructional learning and creative projects.

- **Ingress and egress:** There is one curb cut for the site on Blue Ridge Avenue that provides access to the parking lot located at the rear of the building.
- **Parking and loading:** There is sufficient on-site parking for visitors and staff.
- **Refuse and service areas:** The applicant uses a private waste management company to pick-up garbage weekly.
- **Buffering and screening:** There is no buffering or screening proposed for the use. The property is immediately adjacent to a school on east and an alley provides a separation between the property to the west.
- **Hours and manner of operation:** The applicant proposes to operate an afterschool program from 12 pm - 6 pm, Monday through Friday. Three employees will staff the program with intermittent visits from the Director, who is offsite.
- **Meals and Special Programs:** A snack, provided by enrollees, will be distributed by staff. There are no special programs anticipated at this time.
- **Duration:** The applicant requests unlimited duration for the Special Use Permit.
- **Required yards and open space:** The proposed use will not encroach into any of the required setbacks.
- **Tree Preservation and replacement:** There are no trees proposed for removal.

### **CONCLUSIONS:**

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The existing ingress/egress to the property offers sufficient access for patrons and emergency vehicles.
- b) **Parking and loading:** The existing loading and parking spaces at the site intended for use by clients and employees appear to be sufficient.

- c) **Refuse and service areas:** The use of a private dumpster for any refuse should be adequate to address the needs of this proposed use.
- d) **Buffering and screening:** There is no need for buffering and screening the subject property abuts the school on east and an existing alley creates a separation between the property to the west.
- e) **Hours and manner of operation:** Arts, Sewing, Blocks and Trains, at the subject property. The program will provide after school services to a maximum of 21 children between the ages of 3-12 from 12 pm- 6 pm Monday through Friday. Three (3) employees will staff the center daily with intermittent visits by the Director. Activities will include the provision of snacks, instructional learning and creative projects.
- f) **Duration:** Staff is in support of unlimited permit duration. It appears that this special use permit will not negatively impact the surrounding community.
- g) **Compatibility with policies related to tree preservation:** No trees will be impacted.
- h) **Required yards and open space:** This proposed use would not encroach into any required setbacks or open space.

**STAFF RECOMMENDATION: APPROVAL, conditioned on the following:**

- 1) The Special Use Permit shall only be valid as long as Nannette Fischer is the owner/operator.

cc: Charletta Wilson Jacks, Director





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TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** U-15-010 for 2890 North Fulton Drive and 26, 28, 30, 34, 38 and 40 Peachtree Avenue, N.E

**DATE:** September 15, 2015

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The applicant seeks to amend Ordinance 11-O-0695 which granted a Special Use Permit (SUP) for a Pre-Kindergarten pursuant to Section 16-08.005(1)(b) for the purpose of a site plan amendment for the Atlanta International School located at 2890 North Fulton Drive and 26, 28, 30, 34, 38 and 40 Peachtree Avenue, N.E.

### FINDINGS OF FACT:

- **Property location:** The subject property is fronts approximately 179.85 feet and 76.05 feet on the north side of Peachtree Avenue and beginning approximately 700 feet from the northeast intersection of Peachtree Road and Peachtree Avenue in land lot 100 of the 17<sup>th</sup> District, Fulton County, Georgia. The lots are located in the Garden Hills neighborhood of NPU B, Council District 7.
- **Property Size and Physical Features:** The Atlanta International School at 2890 North Fulton Drive is approximately 1.4 acres and has varying elevations. The site consists of 7 buildings, two parking lots, playground area, covered basketball court, and a track surrounding the soccer field. Access is provided via driveway along North Fulton Drive and gated access along Delmont Drive. There are several large trees around the property.

The proposed additional parcels at 26, 28, 30, 34, 38, and 40 Peachtree Avenue are approximately 2.36 acres. Lots 26, 28, and 30 are contiguous and lots 38 and 40 are as well. The topography rises slightly from the front to the rear of the properties. The lots are developed with single family homes and multifamily residential buildings in disrepair. Lot

32 is currently occupied with an existing multi-family residential and is not owned by the Atlanta International School.

- **CDP Land Use Plan Designation:** The current land use designation is Medium Density Residential (MDR). A CDP land use designation is not required to allow the use of the lots proposed by the Atlanta International School.
- **Current/past use of properties:** To the knowledge of Staff, the subject parcels have historically been used for residential uses. A dilapidated home and deteriorating multi-family apartments currently occupy the lots.
- **Surrounding Zoning and Land Uses:** Surrounding zoning varies, including MR-3 to the west, RG-2 and RG-3 to the south, and RG-2 to the east, and RL-C to the north. The land use designations include Medium Density Residential to the west, south and east, and high density commercial and low density commercial to the north.
- **Transportation System:** Peachtree Avenue is a local street and nearby Peachtree Road is an arterial and SR 3. Interstate 75 is within a ten mile radius of the subject property. MARTA service runs along nearby Peachtree Road.

#### **PROPOSAL:**

The applicant proposes to amend an existing special use permit for the purpose of a site plan amendment for the Atlanta International School. The applicant proposes to use 26, 28, 30, 34, 38 and 40 Peachtree Avenue as parking for faculty of the school.

- **Ingress and egress:** Ingress and egress to the lot will be provided via Peachtree Avenue. The existing campus will still be accessible from Delmont Drive and North Fulton Drive.
- **Off-street parking and loading:** The proposed additional lots will be used exclusively for faculty parking. Existing off-street parking and loading will remain on the campus at the locations designated on the original site plan.
- **Refuse and service areas:** The existing trash service provided to the Atlanta International School will remain. It is not anticipated that the proposed additional lots will generate any excess refuse that existing service could not accommodate.
- **Buffering and screening:** The applicant proposes landscaping on lot D (26, 28, and 30 Peachtree Avenue) and lot F (40 Peachtree Avenue) to create a physical separation between the street and parking lots.
- **Hours and manner of operation:** The school is open from 7:30 a.m. to 5:00 p.m., Monday through Friday, as approved in the previously approved SUP pursuant to Ordinance 11-O-0695.
- **Duration:** Staff is supportive of an indefinite duration.

- **Required yards and open space:** The proposed use does not interfere with any required yards or open space.
- **Tree preservation and replacement:** N/A

**STAFF RECOMMENDATION: APPROVAL, conditioned upon the following:**

1. The special use permit for a special school shall be valid as long as Atlanta International School is the operator.
2. Site plan titled Atlanta International School: Master Site Plan dated June 25, 2015 and marked received by the Office of Planning on June 29, 2015.



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TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bnc*

**SUBJECT:** Z-15-30 for West Lake Avenue, N.W.

**DATE:** September 15, 2014

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An Ordinance by Zoning Committee to rezone from the **C-1-C (Community Business-Conditional) District** to the **C-1 (Community Business) District** for property located at 373 West Lake Avenue, N.W for the purpose of a site plan amendment.

#### FINDINGS OF FACT:

- property location: The subject property fronts 100 feet on the east side of West Lake Avenue beginning 105.75 feet from the south east corner of Carlisle Street. The property is located in Land lot 146 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Grove Park neighborhood of NPU-J, Council District 3.
- property size and physical features: The subject property consists of 20,003 square feet of area and (0.459 acres) with 100 feet of frontage along the radius of West Lake Ave. It is currently developed with a one story brick building office space for the Veterans Empowerment Organization of Georgia. The topography on the property is relatively flat with large mature trees throughout the property.
- CDP land use map designation: Low-Density Commercial.
- current/past use of property: The property currently is office space for the Veterans Empowerment Organization of Georgia and is zoned C-1-C. Prior to this rezoning in 1989, the property was zoned I-O (Office –Institutional).

- surrounding zoning/land uses: The subject property is surrounded by properties zoned RG-4-C (Residential General), RG-3, and MR-4A (Multifamily Residential) as well as Single Family Residential zoning districts.
- transportation system: West Lake Avenue is a minor arterial street with sidewalks for pedestrian circulation. MARTA bus routes also service West Lake Avenue.

## **PROPOSAL**

The applicant requests to rezone the subject property from C-1-C to C-1-C for the purpose of a site plan amendment. The Veterans Empowerment Organization of Georgia anticipates the need for additional office space which was not contemplated when the property was rezoned in 1989. The existing office is 2,398 square feet and the proposed two story addition, located at the rear of the building will increase the office space by approximately 3,016 square feet, totaling 5,414 square feet.

## **CONCLUSIONS:**

**(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The comprehensive development plan designates the subject tract as Low-Density Commercial. No amendment to the 15 Year Land Use Map is required. There are no public projects or programs with which the timing of the project would conflict.

**(2) Availability of and effect of public facilities and services; referral to other agencies:**

It would appear there are adequate public facilities and services for the development of the property. The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

**(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses given that the property is already zoned C-1-C and the amendment of the zoning is for the purposes of a new site plan for an addition to the rear, should not cause negative impacts to the surrounding community.

**(4) Effect on character of the neighborhood:** Staff is of the opinion that this request to amend the conditions of the zoning will not negatively impact the surrounding community.

**(5) Suitability of proposed land use:** No change in the 15-year land use map is required.

- (6) **Effect on adjacent property:** Staff is of the opinion that this request to amend the conditions of the zoning will not negatively impact the surrounding community. The property has been historically used as an office and neither the use nor zoning is proposed to change.
- (7) **Economic use of current zoning:** The subject property has economic value as currently zoned but would have more economic use if the existing building is enhanced.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

**STAFF RECOMMENDATION: APPROVAL, conditioned on the following:**

1. Site Plan Titled, Proposed Site Plan, prepared by J.B. Prince & Associates, INC., dated May 27, 2014 and stamped received by the Office of Planning on June 29, 2015.
2. The following uses shall be prohibited:
  - Commercial greenhouses.
  - Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly, and similar uses, with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors, amusement arcades and game rooms are allowed only by special use permits.
  - Hospitals.
  - Laundry and dry cleaning, collection stations or plants; limited to no more than 5,000 square feet floor area; laundry and dry cleaning establishments where equipment is operated by customers.
  - Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar articles.
  - Sales and leasing agencies for new passenger automobiles, bicycles, mopeds, and commercial vehicles not exceeding one ton in rated capacity, selling, serving and repairing new vehicles and dealing in the disposal, servicing or repairing of used vehicles in connection therewith and all located on the same site.
  - Vault-storage facility not exceeding 7,500 square feet of floor area and having all pickup and delivery of items by passenger automobile or van.
  - Service stations and car washes.
  - Structures and uses requiring operation of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.

cc: Charletta Wilson Jacks, Director



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Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bn*

**SUBJECT:** Z-15-031 for 2050, 2056 Cheshire Bridge Road, N.E.

**DATE:** September 15, 2015

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An ordinance to rezone from the **MRC-1-C (Mixed Residential Commercial-Sector 1-Conditional) District** to the **MR-4A (Multifamily Residential-Sector 4A) District** for property located at 2050, 2056 Cheshire Bridge Road, N.E.

#### FINDINGS OF FACT:

- Property location: The subject properties sit at the northeast intersection of Cheshire Bridge Road and Faulkner Road. The two properties fronts approximately 134.41 feet and 100 feet respectively on the north side of Cheshire Bridge Road along with a half-depth front yard of approximately 285 feet on the east side of Faulkner Road located in the Lindridge/Martin Manor neighborhood of NPU-F, Council District 6 in Fulton County, Georgia.
- Property size and physical features: The subject properties combined are approximately 2.41 acres. The west parcel is approximately 1.76 acres and currently vacant. The east parcel is approximately 0.65 acres and currently developed with a single-story commercial structure used for an adult establishment. Lot topography of both lots slopes downward from west to east across the properties. The west parcel is well vegetated with several mature shrubs and trees throughout. The east parcel has an off-street parking lot with approximately 30 parking spaces located in the front, side, and rear yards of the property.
- CDP land use map designation: Low Density Commercial and Industrial.
- Current/past use of property: The west property is currently vacant and the east property has been used for commercial uses including an adult business establishment.

- Surrounding zoning/land uses: The subject properties are adjacent to properties zoned for commercial and industrial purposes and are categorized as follows: MRC-1-C (Mixed Residential Commercial-Conditional) to the east and south, and I-1 (Light Industrial) to the west, and MR-3 (Multifamily Residential-Sector 3) to the north.
- Transportation system: Cheshire Bridge Road is an arterial and Faulkner Road is a local street. MARTA bus routes service the area via Cheshire Bridge Road.

## **PROPOSAL**

The applicant has proposed to rezone the subject properties for the construction of a five-story multifamily residential development.

### **Project Specifications:**

Gross Lot Area: 123,844 square feet (2.84 acres)

Net Lot Area: 104,979.6 square feet (2.41 acres)

Gross Floor Area Ratio (F.A.R.): 184,250 square feet

Maximum F.A.R. allowed (residential): 1.49

Proposed F.A.R. (residential): 1.49

Useable Open Space Required: 53,253 square feet (1.23 acres)

Useable Open Space Provided: 54,112 square feet (1.24 acres)

Parking Required: 146 spaces (0.73 spaces per dwelling unit)

Parking Provided: 325 spaces

Bicycle Parking Spaces: 40 spaces

Maximum building height: 80 feet

## **CONCLUSIONS:**

### **(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed rezoning is not supported by the current land use designations of Low Density Commercial and Industrial. Therefore, a Comprehensive Development Plan (CDP) amendment is required.

### **(2) Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established commercial corridor, water and sewage facilities serving the property are assumed to be adequate. The Fulton County Department of Health and Wellness requires submittal of plans for review and approval and must obtain permits for the pool, outside refuse containers, and the pad and approach area for the refuse containers.

### **(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

Staff is of the opinion that the request to rezone the subject property would not create any issues that would negatively affect the balance of land uses in the area. The Cheshire Bridge Road corridor study recommended an increase in the amount multifamily residential uses to better balance the commercial, office and industrial uses. In December 2004, the subject property was rezoned pursuant to 04-O-1820 (Z-04-121) to the MRC-1-C district and was slated for development as a mixed use commercial and residential development. The current proposal calls for multifamily residential development without a commercial component.

### **(4) Effect on character of the neighborhood:**

The proposal would have a positive effect



on the surrounding neighborhood by converting the vacant land and existing adult business establishment into a multifamily residential development. Furthermore, the proposal will be further the recommendations of the study which encourages more multifamily residential uses along the Cheshire Bridge Road corridor. Only positive effects can result from the improvements to the property.

- (5) **Suitability of proposed land use:** Staff is of the opinion that the request to rezone the property for the purpose of a multifamily residential development would be suitable. The redevelopment study encourages more residential along the Cheshire Bridge Road corridor and the proposal would be compatible with the recommendations for the area.
- (6) **Effect on adjacent property:** Staff is of the opinion that the rezoning of the subject property to the MR-4A zoning designation would not pose negative impacts to the adjacent properties. The proposed rezoning improves the aesthetics of the built environment by promoting walkable communities with street furniture and trees, building frontage constructed closer to the street, and promotes an appropriate balance of higher density residential uses in the area. The MR-4A zoning is a high-density residential use category, which requires the amending of the CDP.

The properties to the north of the subject properties is currently zoned MR-3, the properties to the east and south are currently zoned MRC-1-C, and the properties to the west are currently zoned I-1. Therefore, the rezoning of the subject property to MR-4A would provide an appropriate increase in the multifamily residential to the Cheshire Bridge Road corridor.

- (7) **Economic use of current zoning:** While the current zoning conditions allow for the economic use of the land, a change to the MR-4A district would allow a more effective economic use of the subject property for redeveloping into a high-density multifamily residential use development.

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. The revised conceptual site plan dated June 26, 2015 and marked received by the Office of Planning on August 6, 2015.
2. The sidewalk/clear zone along the Cheshire Bridge Road corridor shall be ten (10) feet in width and the street furniture and tree planting zoning shall be 5 feet in width and landscaped.

cc: Charletta Wilson Jacks, Director



## CITY OF ATLANTA

KASIM REED  
MAYOR

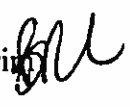
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TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-15-32 for 1237 Ralph David Abernathy Boulevard, S.W.

**DATE:** September 15, 2015

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An Ordinance by Zoning Committee to rezone from the **R-5 (Two Family Residential) District** to the **R-LC (Residential-Limited Commercial) District** for property located at 1237 Ralph David Abernathy Boulevard, S.W.

#### FINDINGS OF FACT:

- property location: The subject property fronts approximately 130 feet on the north side of Ralph David Abernathy Boulevard and beginning approximately 246.70 feet west of the northwest intersection of Ralph David Abernathy Boulevard and Holderness Street. Land Lot 140, 14th District Fulton County, Georgia.
- Property size and physical features: The subject property has 5,479 square feet of area with 130 feet of frontage along the radius of Ralph David Abernathy Boulevard, S.W. It is currently developed with a two story brick house with basement. An existing driveway provides access to the parking lot in the rear yard along the east property line. The subject property is currently used for SisterLove, Inc. headquarters, a non-profit community based organization. The topography in the front yard slightly rises from the street and then levels as it approaches the home, with large mature trees throughout the front yard. The rear yard is fairly flat with large mature trees throughout the rear yard.
- CDP land use map designation: Low-Density Commercial.
- Current/past use of property: The property has been used as an office for several non-profit organizations in recent decades and now houses SisterLove, Inc.

- Surrounding zoning/land uses: The subject property is surrounded by properties zoned C-1 to the east and west, RG-5 south of the property, and R-LC south east of the property.
- Transportation system: Ralph David Abernathy Blvd is a major arterials street. Sidewalks are present along RDA and in the area. MARTA bus routes are also found along RDA Blvd.

## **PROPOSAL**

The applicant requests to bring the office use in conformity with the zoning. Although the property has been used as an office by various organizations in recent decades the current zoning (R-5 Two Family Residential) does not allow offices as a permitted use. This proposal seeks to rezone the property to the R-LC (Residential-Limited Commercial) District for the purpose of continuing the established use of the building as an office.

## **CONCLUSIONS:**

### **(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The comprehensive development plan designates the subject tract as Low-Density Commercial. No amendment to the 15 Year Land Use Map is required nor are there public projects or programs with which the timing of the project would conflict.

### **(2) Availability of and effect of public facilities and services; referral to other agencies:**

It would appear there are adequate public facilities and services for the development of the property. The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

### **(3) Availability of other land suitable for proposed use; environmental effect on balance of**

**Land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses given that the property will continue to be used as an office.

### **(4) Effect on character of the neighborhood:** Staff is of the opinion that this request to rezone from R-5 to R-LC zoning will not negatively impact the surrounding community given that there will be no change in the operation or use of the subject property. The rezoning would have the effect of bring the use into compliance with the zoning and allow SisterLove, Inc. to continue its operations. However, staff is of the opinion that MRC-1 would be a better fit for this area. This area is currently in Beltline Subarea 1 which is scheduled to be rezoned as a part of the Beltline Sub-Area 1 Proactive Rezoning effort this fall to MCR-1 and MRC-2.

MRC-1 (Mixed Residential Commercial) zoning would place reasonable controls on the development of larger scale highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city than a single neighborhood or a small group of neighborhoods; improve the aesthetics of the built environment; and protect existing neighborhoods from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods. This zoning would promote future development while keeping the community and surrounding neighborhood in mind. SisterLove, Inc.'s office use is permitted under the MRC-1 district regulations.

- (5) Suitability of proposed land use:** No change in the 15-year land use map is required.
- (6) Effect on adjacent property:** The properties to the east and west are both zoned C-1-C, the rezoning would be consistent with these surrounding zonings and would also be consistent with the property's low density commercial future land use.
- (7) Economic use of current zoning:** The economic use will remain the same given that neither the use nor operations will change.
- (8) Tree Preservation:** There is no new development proposed at the site and therefore no trees will be removed.

**STAFF RECOMMENDATION: APPROVAL of a Substitute Ordinance to MRC-1 subject to the following conditions:**

1. Site Plan Titled, SisterLove, Incorporated, prepared by McFarland-Dyer & Associates 12-3-2012, and stamped received by the Office of Planning on June 30, 2015.

cc: Charletta Wilson Jacks, Director



## CITY OF ATLANTA

TIM KEANE  
Commissioner

KASIM REED  
MAYOR

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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim *fnl*

SUBJECT: Z-15-034 for 224 Haralson Avenue, N.E.

DATE: September 15, 2015

An Ordinance by Zoning Committee to rezone from the PD-H (Planned Development-Housing/Beltline Overlay/HC-20L, SA-1) District to the PD-H (Planned Development-Housing/Beltline Overlay/HC-20L, SA-1) District for the purpose of a site plan amendment to Z-03-076 for property located at 224 Haralson Avenue, N.E.

### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 49.64 feet on the west side of Haralson Avenue and beginning approximately 194.39 feet northwest from the southwest intersection of Haralson Avenue and DeKalb Avenue. Land Lot 14, 14th District Fulton County, Georgia.
- **Property size and physical features:** The subject property consists of 73,321 square feet (1.683 acres) of area with 49.64 feet of frontage Haralson Avenue. It is currently an undeveloped lot. The topography is relatively flat throughout the lot with the exception of the westernmost corner of the lot where it declines about 30 feet. The lot is surrounded by a PD- H development. There are very few small trees on the lot.
- **CDP land use map designation:** Low-Density Residential.
- **Current/past use of property:** The property is currently undeveloped but was part of a larger development, rezoned to PD-H in 2003, and was to include the townhome development the fronts on DeKalb Avenue and six (6) duplexes at the rear. The townhome portion of the development was constructed however the duplexes planned for the subject property were not.

- **Surrounding zoning/land uses:** The subject property is surrounded by properties zoned PD-H and R-5 to the west, north, and east, and C-2 to the south.
- **Transportation system:** Haralson Avenue is a local street. Sidewalks are present along Haralson Avenue and nearby DeKalb Avenue. MARTA bus routes are also found along DeKalb Avenue and the Inman Park-Reynoldstown train station is less than a mile from the subject property.

**PROPOSAL:** The subject property of 73,321 square feet was part of a larger development project that was rezoned pursuant to 03-O-1995 in 2003. The proposal included a parcel fronting on DeKalb Avenue that was later developed with townhomes. The rear portion of the site or subject property was to be developed with six (6) duplexes. This application requests a site plan amendment for the purpose of developing the subject property as a standalone PD-H development that includes six (6) single family homes as opposed to the previously slated duplex units. Access to the site will be provided from private drive from Haralson Avenue.

## **CONCLUSIONS:**

**(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The comprehensive development plan designates the subject tract as Low-Density Residential. No amendment to the 15 Year Land Use Map is required. There are no public projects or programs with which the timing of the project would conflict.

**(2) Availability of and effect of public facilities and services; referral to other agencies:**

It would appear there are adequate public facilities and services for the development of the property. The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

**(3) Availability of other land suitable for proposed use; environmental effect on balance of**

**Land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The proposed rezoning would not have an adverse effect on the environment or create an imbalance of land uses given that the property will continue to have a low density residential land use and be developed with half as many units as approved pursuant to Z-03-76.

**(4) Effect on character of the neighborhood:** Staff is of the opinion that this request to amend the site plan will not negatively impact the surrounding community. Given that the applicant intends to decrease the number units from the approved rezoning (Z-03-076), the development will be less intense than originally planned. Instead of six duplexes totaling 12

units, the applicant is now requesting to construct six single family homes on the subject property. The amendment would ensure the neighborhood maintains its residential character.

- (5) **Suitability of proposed land use:** No change in the 15-year land use map is required. The Low-Density Residential land use category supports the development proposal.
- (6) **Effect on adjacent property:** Most of the properties surrounding the subject parcel are zoned R-5, with a mix of single family and two-family dwellings. This proposal is consistent with established development pattern of the neighborhood by providing a supplemental single family residential product.
- (7) **Economic use of current zoning:** The economic use will remain the same given that the amendment will not change zoning, only amend the site plan.
- (8) **Tree Preservation:** The lot is currently undeveloped and has very few small trees. Staff is supportive of more landscaping that includes trees.

**STAFF RECOMMENDATION: APPROVAL, conditioned upon the following:**

1. Site Plan entitled "224 Haralson Avenue" prepared by Jones/Pierce Architects, dated August 31, 2015 and marked received by the Office of Planning August 31, 2015.
2. A five feet (5) tree planting zone shall be located along the rear property line to create a buffer between the subject property and the adjacent residential uses. The tree planning zone should include varied planting including trees, shrubbery and ground cover.

cc: Charletta Wilson Jacks, Director



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KASIM REED  
MAYOR

TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bnc*

**SUBJECT:** Z-15-016 for 3650 Bakers Ferry Road, S.W.

**DATE:** September 3, 2015

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An Ordinance by Zoning Committee to rezone from the R-4 (Single Family Residential) District to MR-3 (Multi-Family Residential- Sector 3) District.

The applicant has requested an additional deferral to allow time to refine the site plan and continue discussions with members of the community.

**STAFF RECOMMENDATION:** 30 DEFERRAL, OCTOBER 2015

cc: Charletta Wilson Jacks, Director





KASIM REED  
MAYOR

**CITY OF ATLANTA**  
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TIM KEANE  
COMMISSIONER

CHARLETTA WILSON JACKS  
DIRECTOR, Office of Planning

## MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *BN*

**SUBJECT:** Z-14-61 for 1099 North Avenue and 579 rear North Highland Avenue, N.E.

**DATE:** September 15, 2015 (Deferred November 13, 2014, January 8, February 5 and April 2 and August 13, 2015)

The applicant seeks to rezone the subject property from R-4 (Single Family Residential) district to MRC-3 (Mixed Residential Commercial) district for development of 15 townhomes on a private drive.

### FINDINGS OF FACT:

- property location: The subject property fronts 50 feet on the south side of North Avenue approximately 275 feet east of the southeast intersection of North Avenue and North Highland Avenue in the Poncey-Highland neighborhood of NPU-N, Council District 2.
- property size and physical features: The subject property consists of two tracts. Tract 1 consists of 8,792SF and fronts on North Avenue; Tract 2 has no street frontage, was formerly a part of property fronting on North Highland Avenue and consists of 22,205SF. The two tracts combined consist of 0.712 acres. The tracts are adjacent to former City alleys of 10 to 15 feet in width. The topography slopes up from North Avenue becoming generally level to Tract 2 which is below the grade of properties fronting on North Highland. The two tracts are undeveloped and overgrown.
- CDP land use map designation: The subject property has a land use designation of High Density Mixed Use.
- current/past use of property: To Staff's knowledge the property has always been vacant for several years. There is no evidence of it having been previously developed.
- surrounding zoning/land uses: Properties adjacent on the east front on Seminole Avenue and are zoning R-4 (Single Family Residential). Properties adjacent on the west are zoned R-LC-C (Residential-Limited Commercial-Conditional) and C-1 and C-1-C (Community Business and Community Business-Conditional)
- transportation system: North Avenue and North Highland Avenue are designated as a collectors and all other streets in the area are local streets. MARTA bus routes #16 and #102 serve the area

along North Highland Avenue. #16 Route connects to the downtown area and #102 Route connects to the Edgewood/Candler Park Transit station via Ponce de Leon Avenue. Sidewalks are present along both sides of North Avenue and North Highland Avenue.

## PROPOSAL

The applicant proposes to rezone the property to enable the development of fourteen (15) townhomes fronting on a private drive. Each unit will be four (4) stories with a height of 44.5 feet with approximately 1,600- 1,800 square feet in area.

FAR	Permitted up to 3.2	Proposed Tract 1 1.017 Tract 2 1.42
Useable Open Space	Required 0.58	Proposed Tract 1 0.42 Tract 2 0.41
Parking	Required 2 per unit (28 spaces)	Proposed 30 parking spaces

## CONCLUSIONS:

### (1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan designates the subject site as High Density Mixed Use therefore no amendment to the 15-year land use map would be required to facilitate this proposal. There are no public projects or programs with which the timing of the project would conflict.

### (2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

### (3) Availability of other land suitable for proposed use; environmental effect on balance of

land uses: The zoning regulations indicate that this consideration is optional. The applicant has not indicated that they own any additional property in the area. The proposed townhome use should not impact the balance of land uses in the area.

### (4) Effect on character of the neighborhood: The development as proposed should not have a negative effect of the character of the neighborhood. The rezoning would allow for a density on the site that is much lower than contemplated by the 15 year land use designation of High Density Mixed Use which would allow for a combination of residential and non-residential uses. The existing land use designation was the result of the Poncey-Highland Master Plan, adopted on 2010. The applicant proposes to develop a residential development of fifteen (15) townhome which provides a transition from the

commercial uses along North Highland Avenue, to the west, to the single family residential uses located to the east.

- (5) **Suitability of proposed land use:** No amendment to the land use designation is required.
- (6) **Effect on adjacent property:** The construction of fourteen (15) townhomes that would have a configuration compatible to others in the area and should have a positive effect of adjacent property by replacing vacant land with new housing opportunities in the area.
- (7) **Economic use of current zoning:** Although the existing zoning has some economic use the proposed zoning would be a better use of the land and complement other developments in the area.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.
- (9) **Other Considerations:** Based on the site plan under consideration the applicant will need to file for a reduction in the transitional yard which would be considered by the Board of Zoning Adjustment (BZA).

**STAFF RECOMMENDATION: APPROVAL, conditioned on the following:**

1. A site plan similar to one entitled "Zoning Plans for 1099 North Ave (Tract1) and 579-R North Highland Avenue (Tract 2)" by Kuo Diedrich Architects dated 11-7-14 last revised 8/25/15 and marked received by the Office of Planning August 27, 2015.
2. Units #1 shall be oriented so that the front doors and entry stoops shall be visible and accessible from North Avenue.
3. A 24-foot private drive shall be provided for safe ingress and egress to the development.
4. The development shall not be gated.

cc: Charletta Wilson Jacks, Director



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KASIM REED  
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TIM KEANE  
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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *BN*

**SUBJECT:** Z-15-016 for 3650 Bakers Ferry Road, S.W.

**DATE:** September 3, 2015

---

An Ordinance by Zoning Committee to rezone from the **R-4 (Single Family Residential)** District to **MR-3 (Multi-Family Residential- Sector 3)** District.

The applicant has requested an additional deferral to allow time to refine the site plan and continue discussions with members of the community.

**STAFF RECOMMENDATION: 30 DEFERRAL, OCTOBER 2015**

cc: Charletta Wilson Jacks, Director